

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

NOV 16 2014

David J. Bradley, Clerk

United States of America

v.

Case No.

M-14-2186-M

Luis Alberto NAJERA-Citalan

YOB: 1986 MXN

Juan Jose CESENA-Espericueta

YOB: 1982 MXN

Defendant

CRIMINAL COMPLAINT

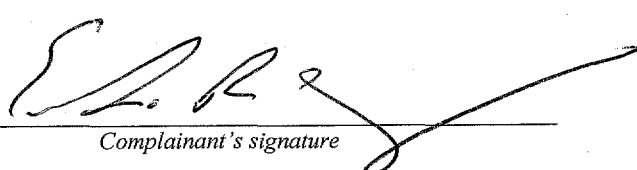
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 14, 2014 in the county of Hidalgo in the Southern District of
Texas, the defendant violated 18,22 U.S.C. § 371 & 2778,

an offense described as follows:

Intentionally and knowingly conspire to knowingly and willfully attempt export and/or cause to be exported into the United Mexican States from the United States of America defense articles, that is, to wit: five (5) AR-15 rifles; which were designated as defense articles on the United States Munitions List (22 CFR, Chapter 1, Part 121), without having first obtained from the Department of State a license for such export or written authorization for such export.

This criminal complaint is based on these facts:

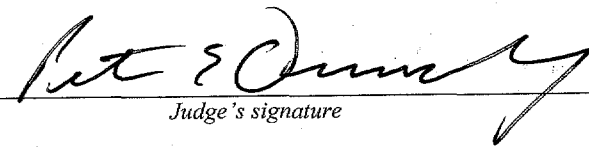
☐ Continued on the attached sheet.
Complainant's signature

Ernesto R. Gomez, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

November 16, 2014
4:16 pm
*Judge's signature*City and state: McAllen, Texas

Peter Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On November 14, 2014, a joint operation conducted by Special Agents (SAs) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and Homeland Security Investigations (HSI) Texas (ASAC/HG) assigned to the Rio Grande Valley – Border Enforcement Security Task Force (RGV-BEST) resulted in the arrest of Luis Alberto NAJERA Citalan (a Mexican Citizen) and Juan Jose CESENA-Espericueta (a Mexican Citizen), after an undercover (UC) operation to purchase five (5) AR-15 type rifles for the unlawful exportation into Mexico.

On November 10, 2014, ATF SA received information from a source of information (SOI) alleging that an unknown individual was attempting to sell approximately sixty (60) AR-15 type rifles.


On November 13, 2014, an ATF Undercover (UC) placed a recorded phone call to the same unknown individual inquiring on the purchase of said AR-15 rifles. The unknown individual stated that the firearms were all DPMS Panther AR-15 rifles. Information received also stated that there were approximately fifteen (15) AR-15 rifles remaining. The unknown individual stated each AR-15 was being sold for approximately \$1100.00 dollars. The unknown individual further stated that each of the AR-15 rifles had obliterated serial numbers. The ATF UC agreed to meet with the unknown individual.

On November 14, 2014, ATF UC received a phone call from an individual later identified as CESENA advising CESENA was ready to meet with ATF UC. After negotiations, the ATF UC agreed to purchase five (5) AR-15 rifles for approximately \$1,100. During a recorded phone call CESENA confirmed with the ATF UC that the AR-15 rifles' serial numbers were obliterated. CESENA agreed to meet the ATF UC at an HEB located at FM 495 and Conway Avenue in Mission, TX. Upon arriving at the HEB, CESENA was accompanied by another individual later identified as NAJERA. CESENA and NAJERA met with the ATF UC agent with the intent to sell five (5) AR-15 rifles for \$5,500 in U.S. currency. NAJERA then presented the weapons to the ATF UC agent. The ATF UC agent then presented the currency in exchange for the firearms. The total amount of currency presented to NAJERA by the UC agent was \$5,500.00. The UC agent then took possession of the firearms from NAJERA. At the conclusion of the transaction, both subjects involved were arrested. CESENA and NAJERA were then transported for questioning.

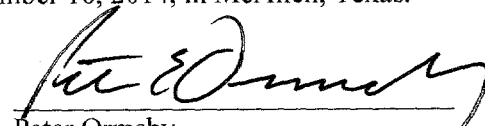
Post Miranda CESENA stated that NAJERA contacted CESENA approximately one week prior asking if CESENA knew of anyone interested in AR-15 rifles. CESENA stated that he knew the firearms were destined for Mexico. CESENA stated that he knew that it was illegal to export firearms without a license, into Mexico.

Post Miranda NAJERA admitted to being a firearms broker for approximately six (6) months, for a friend that resides in Mexico. NAJERA stated that NAJERA would receive U.S. Currency from his friend and would in turn pay for firearms received from various locations. NAJERA stated that upon taking possession of the firearms, his friend would send different vehicles from Mexico to meet him at different locations for the transport of the firearms to Reynosa, Mexico. NAJERA stated that he has brokered approximately ten (10) to fifteen (15) deals with approximately two (2) to five (5) firearms per occasion. NAJERA stated that approximately two weeks prior to his arrest, NAJERA brokered a firearms transaction between his friend and an unknown individual. NAJERA stated that he received four (4) DPMS Panther AR-15 rifles from said unknown individual and successfully smuggled the said rifles into Reynosa, Mexico. NAJERA stated, during the course of the transaction, the unknown individual advised that he was in possession of several DPMS Panther AR-15 rifles. NAJERA stated that he knew the firearms were destined for Mexico. NAJERA stated that he knew it was illegal to export firearms without a license, into Mexico.

The UC agent stated that during a recorded conversation with both CESENA and NAJERA, the UC agent advised both subjects upon purchasing the firearms; the firearms would then be illegally trafficked into Mexico.


Ernesto R. Gomez, Special Agent
Homeland Security Investigations
(HSI)

Sworn to before me and signed in my presence on November 16, 2014, in McAllen, Texas.


Peter Ormsby
United States Magistrate Judge